

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MARIA Y. VAZQUEZ, and other
similarly situated individuals,

Plaintiff,

v.

Case No: 2:18-cv-611-FtM-38NPM

UOOLIGAN GAS STATION
CONVENIENCE STORE INC,
SAEEDA ULLAH, individually, and
FARID ULLAH, individually,

Defendants.

REPORT AND RECOMMENDATION¹

This matter is before the Court on the issue of counsel for Defendants Uooligan Gas Station Convenience Store Inc., Saeeda Ullah, and Farid Ullah. Plaintiff Maria Y. Vazquez brings this action on behalf of herself and other similarly situated individuals to recover unpaid minimum and overtime wages, and for retaliation under the Fair Labor Standards Act, [29 U.S.C. § 201](#) *et al.* ([Doc. 1](#)). The issues with Defendants' counsel began on November 14, 2019, with Defendants' counsel seeking to withdraw from this action.

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

On November 20, 2019, the Court held a hearing allowing Defendants' counsel to withdraw. (Docs. 53, 55). The Court explained at the hearing and in the subsequent Order ([Doc. 55](#)) that pursuant to [28 U.S.C. § 1654](#), a party may appear and conduct their own cases personally. But, a lay person cannot represent any other person or entity. [U.S. ex rel. Stronstorff v. Blake Med. Ctr.](#), No. 8:01-CV-844-T-23MSS, 2003 WL 21004734, *1 (M.D. Fla. Feb. 13, 2003). And non-natural persons or artificial entities such as corporations, partnerships, and associations, must appear in federal court through licensed counsel. *Id.* (citing [Rowland v. Cal. Men's Colony](#), 506 U.S. 194, 201-02 (1993)); see also M.D. Fla. R. 2.03(e). The Court therefore advised Defendants Saeeda Ullah and Farid Ullah that within 30 days of the hearing, they must retain counsel to represent Uooligan Gas Station, and they must advise the Court whether they are proceeding *pro se* (which is without the benefit of counsel) or retaining counsel to represent them. (*Id.*). The only response the Court received was a motion to extend time to retain counsel that was denied for failure to comply with Local Rule 3.01(g). (Docs. 58, 59). Defendants did not renew their request for additional time.

When Defendants did not comply, the Court entered an Order to Show Cause advising Uooligan Gas Station that it must retain counsel and advising Saeeda Ullah and Farid Ullah that they must either retain counsel or notify the Court that they are proceeding *pro se* by January 23, 2020. ([Doc. 60](#), p. 2). The Court cautioned Defendants that if they failed to comply with the Order, the Court would recommend that defaults be entered against them. (*Id.*, p. 3). Upon review of the docket, new counsel has not made an appearance on behalf of any of the Defendants and Saeeda Ullah and Farid Ullah have not responded to the Court's orders (Docs. 55, 60). Based on Defendants' failure to

comply with Court Orders, the Court recommends that defaults be entered against Defendants and further recommends that their Answer and Affirmative Defenses ([Doc. 41](#)) be stricken.

Accordingly, it is **RESPECTFULLY RECOMMENDED**:

That defaults be entered against Defendants Uooligan Gas Station Convenience Store Inc., Saeeda Ullah, and Farid Ullah for failing to comply with Court Orders that required Uooligan Gas Station to retain counsel and required Saeeda Ullah and Farid Ullah to retain counsel or notify the Court that they are proceeding *pro se*. It is further recommended that Defendants' Answer and Affirmative Defenses ([Doc. 41](#)) be **STRICKEN**.

Respectfully recommended in Chambers in Ft. Myers, Florida on January 27, 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. See [11th Cir. R. 3-1](#).

Copies furnished to:

Counsel of Record
Unrepresented Parties